



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,659	04/13/2000	Daniel I. Flitcroft	032668-004	7683
21839 7590 10/19/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 10/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary

Application No.

09/548,659

Applicant(s)

FLITCROFT ET AL.

Examiner

Frantzy Poinvil

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 is/are allowed.
- 6) ☒ Claim(s) 1-23 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Regarding the status of the claims in the instant application

In view of the Supplemental Appeal Brief filed on 9/7/2005, PROSECUTION IS HEREBY REOPENED.

The finality of any prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-34 remain pending in the application.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al. (US Patent No. 6,012,048).

As per claims 1-3, 10, 11, 14, 16-18, 23 and 27-33, Gustin et al disclose a system and method for facilitating a financial transaction originating from a payer in a computer network comprising:

a data structure for access by a payer to initiate a financial transaction originating from the payer, said data structure including a personal payment number format (see the abstract) comprising:

routing information to direct financial transaction information to a particular institution among a plurality of institutions using the computer network (column 18, lines 62-66); and a unique identification of a payee associated with said particular institution (column 18, line 66 to column 19, line3). The personal payment number indicates account into which funds can be transferred into. Gustin et al do not explicitly state the personal payment number identifying an account from which funds cannot be transferred. The Examiner asserts that such would have been obvious to one of ordinary skill in the art in order to prevent a payor from accessing a financial institution or a service provider's funds thereby providing a more secure system since the payee's account should be protected from the plurality of payers and prevent a reversal process. Thus providing an identifier identifying these personal payment number would have been obvious to one of ordinary skill in the art so as to differentiate the different types of entities/service providers or the status of the accounts of the different types of

Art Unit: 3692

entities/service providers in the system so as to allow the automatic protection of a group of payees' accounts.

Furthermore, it is noted that the claimed limitations are only directed memory for storing a data such as a number having a certain type of format representing a stated information.

It should be noted that in the system of Gustin et al, a computer having a memory stores data obtained from a scanned check. The data also represents a certain type of information. As to the representation or signification of the number or number format, the Examiner asserts that such is left to the user as a plurality of different signification could have been assigned to the number format a such does not bring the claims into patentable differences apart from the teachings of Gustin et al.

As per claim 4, Gustin et al teach the wherein said routing information includes a bank identification number (BIN). See column 18, lines 62-67.

As per claim 5, in the system of Gustin et al, the personal payment number is formatted in accordance with standard credit/debit card formats.

As per claims 6 and 7, the teachings of Gustin et al are discussed above. Gustin et al do not explicitly teach the personal payment number is formatted to be distinct from standard credit/debit card formats. It is well known in the art that payment formats involve many types of schemes such as the generation of an alpha/alphanumeric code which may include a transaction amount, payor or payee ID or account number, store number, transaction amount, etc. Formatting the personal payment of Gustin et al so as

Art Unit: 3692

to be distinct from standard credit/debit card formats would have been obvious to one of ordinary skill in the art to do in order to mask the a party's credit information thereby ensuring the security and integrity of the financial transaction system.

As per claims 8 and 9, providing a verification code is not explicitly stated in Gustin et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to format a verification code selected from a group consisting of a checksum number and a CW2 in the system of Gustin et al in order to assure great security of the financial system of Gustin et al.

As per claim 12, the payees' account numbers are stored and are retrievable from memory. See column 19, lines 60-67. Queries about transactions would have allowed a payee to determine balances and status of payors.

As per claims 13 and 19, linked accounts are well known in the art. Providing linked accounts in the system of Gustin et al would have been obvious to one of ordinary skill in the art at the time of the invention was made as would have been desired by the payee.

As per claims 15, 20-22 and 26 see column 19 of Gustin et al.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, Section , cl. 8 gave Congress the power to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof". Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena" and "abstract ideas". See *Diamond v. Diehr*, 450, USPQ 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, the courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

Applicant is reminded that a database, memory for storing data or software or computer program not claimed as embodied in computer media executable by a processor or a computer are descriptive material per se are not statutory because they are neither physical "thing" nor statutory processes. The computer program does not define any structural and functional interrelationships with a general purpose computer for permitting the claimed functions to be realized. In contrast, a statutory claim would define structural and functional interrelationships

Art Unit: 3692

between data structures or functional parts and a computer for performing the data functions to be realized. Furthermore, the claims do not result in any useful, tangible and concrete result.

Thus claims 1-9 and 23 are rejected as being non-statutory.

Allowable Subject Matter

4. Claims 24-26 are allowable over the art of record.

Claim 34 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Frantzy Poinvil
Primary Examiner
Art Unit 3692

FP

October 6, 2007